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22CV408599
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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

JOHN DOE B.D., an individual,

Plaintiff,

vs.

DOES 1 to 50 (Inclusive);

Defendant(s).

22CV408599

Case No.:
Complaint filed:
Assigned to:

COMPLAINT FOR DAMAGES:

1. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
2. NEGLIGENCE;
3. NEGLIGENT HIRING, SUPERVISION, & RETENTION;
4. SEXUAL HARASSMENT (Cal. Civ. Code §51.9);
5. SEXUAL BATTERY (Cal. Civ. Code §1708.5);
6. SEXUAL ASSAULT (Cal. Civ. Code, §§ 43 & 1708);
7. VIOLATION OF PENAL CODE §647.6(A).

DEMAND FOR JURY TRIAL

A. INTRODUCTION

1. Causes of Action. Plaintiff(s) JOHN DOE B.D. (**"B.D."** or **"Plaintiff"**) makes this complaint and brings this action against Defendants DOES 1 to 50 (individually and collectively, **"Defendant(s)"**) to assert one or more causes of action for: (1) Intentional Infliction of Emotional Distress; (2) Negligence; (3) Negligent Hiring, Supervision & Retention; (3) Sexual Battery (Cal. Civ. Code § 1708.5); (4) Sexual Harassment (Cal. Civ. Code § 51.9); (5) Sexual Battery (Cal. Civ. Code § 1708.5); (6) Sexual Assault (Cal. Civ. Code §§ 43 & 1708); (7) Violation of Penal Code § 647.6(a) (hereinafter, the "Complaint").

2. Defendant-Relationships/Designations. As a child, Plaintiff was sexually assaulted by Defendant DOE 1 (**"Perpetrator-Defendant"**). At all relevant times, Perpetrator-Defendant coached at the private roman catholic school, DOE 2 (**"School-Defendant"**). At all relevant times, the School-Defendant was governed by the Diocese-Defendant DOE 3 ("**Diocese-Defendant"**). At all relevant times, the Perpetrator-Defendant, School Defendant and Diocese-Defendant were governed by the religious order: Defendant DOE 4 ("**Religious-Order Defendant**"). Defendants DOES 2 through 50 (individually and collectively, **"Clergy-Defendant(s)**") owned, operated, managed, controlled, and had a duty to hire, train, supervise, retain, and/or terminate the Perpetrator-Defendant, School-Defendant, Diocese-Defendant and Religious-Order Defendant.

3. Case Synopsis: Incident. Perpetrator-Defendant, as an adult, sexually touched, molested, sodomized, and sexually assaulted B.D., as a child, in or around the 1990's, starting in 1996, through approximately 1998, on several occasions. DOE 1 used his position and power as a coach to access, manipulate, and engender the trust of student athletes and their family, over the course of several years, to commit these heinous acts. DOE 1, along with the Clergy Defendant(s), used their position as a coach and religious entity, used their reputation, power, and authority within the School to conceal the long history of sexual assaults and, in so doing, fostered and facilitated the ongoing and severe sexual assaults of young children, such as B.D. The Clergy-Defendant(s) knew or should have known that Perpetrator-Defendant sexually assaulted children, young students, and/or Plaintiff, but knowingly, deliberately, intentionally,

recklessly, and/or negligently failed to take reasonable steps to prevent Perpetrator-Defendant from sexually assaulting Plaintiff. As a result of Clergy-Defendant(s) misconduct, Plaintiff has struggled his entire life. Plaintiff has struggled to form and maintain meaningful and trusting relationships, cope with past trauma, and believe in his own self-worth. Plaintiff has felt deep-seeded shame, humiliation, embarrassment, inability to comprehend his sexuality, anxiety, increased fear, and self-loathing his entire life and, only recently, discovered and understood that the life-long struggle stems from the childhood sexual assaults that Perpetrator-Defendant committed, and Clergy-Defendant(s) fostered and facilitated.

4. Pleading in the Alternative. Plaintiff therefore pleads the following allegations based upon information and belief, except where personal knowledge is expressly asserted. Whenever allegations in this Complaint appear contrary or inconsistent, such allegations are pled in the alternative.

B. JURISDICTION & VENUE

5. Jurisdiction. This Court has jurisdiction over this action pursuant to section 410.10 of the California Code of Civil Procedure. Plaintiff brings this action to recover damages and seek restitution and other relief available at law or in equity. All acts and omissions complained of in this action took place in the State of California.

6. Venue. Venue is proper in this Court pursuant to sections 395 and 395.5 of the California Code of Civil Procedure. The injuries to the persons complained of herein occurred in the County of Santa Clara. Defendants transact business and may be found within Santa Clara County. The course of conduct, breaches, violations, and unlawful patterns and practices alleged herein occurred in Santa Clara County.

C. THE PARTIES

7. Anonymity. Plaintiff anonymously files this action because of the extremely sensitive nature of the conduct and damages alleged—to wit, the childhood sexual abuse of Plaintiff, in accordance with the *California Code of Civil Procedure* § 340.1.

8. Plaintiff. Plaintiff as follows:

a. JOHN DOE B.D. Plaintiff JOHN DOE B.D. is an individual, currently 42

years of age, and at all relevant times was a resident of Santa Clara County.

b. Plaintiff is an adult individual, who is over the age of forty (40) years old. Therefore, Plaintiff B.D. will lodge and later file a declaration from a mental healthcare practitioner, and an attorney declaration for each named Defendant in this Action, pursuant to the requirements of *California Code of Civil Procedure* § 340.1. Moreover, each named defendant in this action shall be named as "DOE" pursuant to the requirement of *California Code of Civil Procedure* § 340.1(n), until such time as a declaration of corroborative fact has been approved by the Court.

9. Defendant(s). Defendant(s) as follows:

a. Defendant(s)'s Anonymity (CCP § 340.1(l)). Pursuant to California Code of Civil Procedure § 340.1, subsection (l), Plaintiff files this action against Defendant(s) as DOES 1 to 50. Plaintiff(s) shall submit an application to amend the operative complaint to substitute the name of Defendant(s) for the fictitious designation, pursuant to Code of Civil Procedure, § 340.1, subsections (m)-(o). With this application, Plaintiff shall submit for an in-camera review a sealed certificate of corroborative fact that supports the allegation(s) that one or more Defendant(s) DOES 1 to 50 committed a childhood sexual assault of Plaintiff(s).

b. Perpetrator-Defendant. Defendant DOE 1 is an individual and at all relevant times was a resident of Santa Clara County. Defendant DOE 1 was the actual and/or apparent, duly authorized agent, servant, and/or employee of the School-Defendant. Perpetrator-Defendant was in a position of trust, confidence and responsibility with Plaintiff B.D. as a function of the position Perpetrator-Defendant had with the Clergy-Defendants. Specifically, Perpetrator-Defendant was placed in contact with minor children, through the Perpetrator-Defendants role with the School-Defendant and Clergy-Defendants, and thus stood *in loco parentis* with the Plaintiff B.D. and Plaintiff B.D.'s guardians.

c. School-Defendant. On information and belief, at all relevant times, Defendant DOE 2 is a religious corporation, and at all relevant times had its principal place of business in the State of California. School-Defendant was the primary entity, controlling the activities and behavior of its employees, agents, volunteers, and/or servants, including Perpetrator-Defendant,

as well as DOES 2 through 50 and all other employees, agents, and supervisors of those Defendants. The misconduct complained of herein occurred while Perpetrator-Defendant was acting as an actual or apparent agent of Defendant DOE 2, though Perpetrator-Defendant continued to maintain his employment with Defendant DOE 2 at all relevant times.

d. Diocese-Defendant(s). Defendant DOE 3 is a corporation sole, and at all relevant times had its principal place of business in the State of California. Diocese-Defendant was the primary entity owning, operating and controlling the activities and behavior of its employees, agents, volunteers and/or servants, including Perpetrator-Defendant and School-Defendant, as well as DOES 1 through 50 and all other employees, agents, and supervisors of those Defendants. The misconduct complained of herein occurred while Perpetrator-Defendant was acting as an actual or apparent agent of Defendant DOE 2 and DOE 3, though Perpetrator-Defendant continued to maintain his employment with Defendant DOE 2 and DOE 3 at all relevant times.

e. Religious-Order Defendant(s). On information and belief, Defendant DOE 4 is a corporation sole, and at all relevant times had its principal place of business in the State of California. Religious-Order Defendant was the primary entity owning, operating and controlling the activities and behavior of its employees, agents, volunteers and/or servants, including Perpetrator-Defendant, School-Defendant, Diocese-Defendant, as well as DOES 1 through 50 and all other employees, agents, and supervisors of those Defendants. The misconduct complained of herein occurred while Perpetrator-Defendant was acting as an actual or apparent agent of Defendant DOE 2 and DOE 3, though Perpetrator-Defendant continued to maintain his employment with Defendant DOE 2 and DOE 3 at all relevant times.

f. Clergy Defendant(s). Diocese-Defendant, Archdiocese-Defendant, Religious-Order Defendant, and Defendant DOES 2 through 50, inclusive, are hereinafter collectively and individually referred to as "Clergy Defendant(s)". At all relevant times, Clergy Defendants owned, operated, managed, controlled, and had a duty to hire, train, supervise, retain, and/or terminate the Perpetrator-Defendant.

g. Doe Defendants. The true names and capacities, whether individual,

corporate, partnership, associate, or otherwise, of Defendant DOES 1 through 50, inclusive ("Doe Defendants"), are unknown to Plaintiff. Therefore, Plaintiff sues these Doe Defendants by such fictitious names pursuant to California Code of Civil Procedure section 474. Plaintiff shall amend this Complaint to allege their true names and capacities when they are ascertained and in compliance, wherever necessary, with section 340.1 of the California Code of Civil Procedure, subsection (m)-(p).

h. Defendant(s). The aforementioned Defendant(s) are individually and collectively referred to as "Defendant(s)."

10. Liability of Defendants. Each of the Defendants named in this Complaint, including each of the Doe Defendants, are responsible in some manner for one or more of the events and happenings described herein as set forth below. Each of these Defendants proximately caused the injuries and damages alleged.

11. Vicarious Liability.

a. Joint Enterprise. Each of the Defendants named in this Complaint, including each of the Doe Defendants, engaged in a joint enterprise and/or joint venture whereby: (1) they shared a community of interest in the object of the undertaking; and (2) they shared an equal right to control, i.e., to direct and govern the conduct of each other with respect to the undertaking. Consequently, each Defendant is jointly and severally liable to Plaintiff for the damages sustained as a proximate result of each of the other Defendant's conduct.

b. Respondeat Superior. Each of the Defendants named in this Complaint, including each of the Doe Defendants, is, and at all relevant times herein mentioned was, the agent, servant, employee, partner, and/or joint venturer of each of the other Defendants. Each Defendant was acting within the course and scope of his, her, or its actual or apparent authority as the agent, servant, employee, partner, and/or joint venture with each of the other Defendants, and/or otherwise acted within the scope of his, her, or its agency, servitude, employment, partnership, joint venture, and/or joint/single enterprise. Each of the Defendants approved and/or ratified the conduct of each of the other Defendants. Consequently, each of the Defendants is jointly and severally liable to Plaintiff for the damages sustained as a proximate result of each of

the other Defendants' conduct.

c. Aiding & Abetting. Each of the Defendants named in this Complaint, including the Doe Defendants, aided and abetted each of the other Defendants in connection with the wrongful conduct described herein. Each Defendant knowingly gave substantial assistance to each of the other Defendants who performed the wrongful conduct alleged herein. Consequently, each Defendant is jointly and severally liable to Plaintiff for the damages sustained as a proximate result of each of the other Defendants' conduct.

d. Conspiracy. Each of the Defendants named in this Complaint, including each of the Doe Defendants, is, and at all relevant times herein mentioned was, the co-conspirator of each other Defendant in connection with the wrongful conduct described herein, and, therefore, each Defendant is jointly and severally liable to Plaintiff(s) for the damages sustained as a proximate result of each other Defendant. Each Defendant entered into an express or implied agreement with each of the other Defendants to commit the wrongs herein alleged. This includes, but is not limited to, the conspiracy to perpetrate and conceal sexual violence, abuse, and harm against Plaintiff and those similarly situated to Plaintiff—sexually assaulted minors—and Defendant(s)—teachers who sexually assaulted minors.

e. Alter-Ego/Single Enterprise. Each of the Defendants named in this Complaint, including each of the Doe Defendants, is, and at all relevant times herein mentioned was, the alter ego of each of the other Defendants. Consequently, each Defendant is jointly and severally liable to Plaintiff(s) for the damages sustained as a proximate result of each of the other Defendant's conduct.

D. GENERAL FACTUAL ALLEGATIONS

12. Childhood Sexual Assault. B.D. attended and played baseball at School-Defendant, DOE 2. Beginning in or around 1996, and through 1998, while B.D. was sixteen (16) years of age, he played for School-Defendant's varsity baseball team. During that time, Perpetrator Defendant sexually assaulted Plaintiff on several occasions, including during baseball practice, in Perpetrator-Defendant's office and in hotel rooms while on trips for baseball games. Perpetrator-Defendant took advantage of his position as a coach and B.D.'s vulnerable

state as a student and varsity athlete. The sexual assault included molestation, assault, abuse, harassment and/or inappropriate touching of Plaintiff. The abuse suffered by B.D. by Perpetrator-Defendant was severe. Perpetrator-Defendant used his authority to force students to sexually harass other students, including Plaintiff.

13. Plaintiff's Injuries & Resultant Damages. As a result of Defendants' misconduct as described herein, Plaintiff suffered bodily, mental, emotional, and behavioral injuries, including, but not limited to, deep-seeded shame, humiliation, embarrassment, inability to comprehend his sexuality, anxiety, increased fear, self-loathing, increased irritability, depression, anxiety, sadness, anger, uncontrollable fear and foreboding, self-blaming, diminished self-worth, nightmares, traumatic flashbacks, shock, grief, embarrassment, disgrace, emotional distress, and/or other injuries and related general damages and economic losses, including, but not limited to, loss of earnings and/or earning capacity and past and future health care.

14. Defendants' Punitive Liability. Defendants engaged in the conduct described herein with malice, oppression, and fraud. Defendants intended to cause injury to Plaintiff or otherwise engaged in the described despicable conduct with a willful and conscious disregard for the rights or safety of countless vulnerable individuals. Defendants engaged in despicable conduct that subjected Plaintiff to cruel and unjust hardship in disregard of his rights. Defendants intentionally misrepresented, deceived, and/or concealed the true nature of Perpetrator-Defendant's sexual violence with the intention of depriving him of his property and/or his legal right to be free from violence, and/or otherwise causing him injury. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

15. Corporate Defendants' Punitive Liability. Not only were Defendants guilty of malice, oppression, and fraud as described herein, but also the officers, directors, and/or managing agents of the Clergy Defendant(s) authorized and/or ratified Perpetrator-Defendant's misconduct described herein. Based on information and belief, they knew in advance that Perpetrator-Defendant was likely to commit such acts and, nonetheless, employed Perpetrator-Defendant, authorizing Perpetrator-Defendant to continue sexually violating vulnerable children in

conscious disregard for their rights and safety. Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

E. ALLEGATIONS RE: STATUTE OF LIMITATIONS

16. Cal. Code of Civ. Proc. § 340.1(a) (Age 40 or 5 Years From Delayed Discovery). California Code of Civil Procedure § 340.1 permits a plaintiff to bring an "action for recovery of damages suffered as a result of childhood sexual assault" within either twenty two (22) years of the date the plaintiff attains the age of majority (his or her 40th birthday) or within five (5) years of the date the "plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual assault", whichever period expires later, for: (1) an action against any person for committing an act of childhood sexual assault; (2) an action for liability against any person or entity who owed a duty of care to the plaintiff, if a wrongful or negligent act by that person or entity was a legal cause of the childhood sexual assault that resulted in the injury to the plaintiff; and (3) an action for liability against any person or entity if an intentional act by that person or entity was a legal cause of the childhood sexual assault that resulted in the injury to the plaintiff.

17. Cal. Code of Civ. Proc. § 340.1(c) (Clergy Defendant(s)'s Notice). Clergy Defendant(s) knew or had reason to know, or was(were) otherwise on notice, of misconduct that created a risk of childhood sexual assault by Clergy Defendant(s)'s employees, volunteers, representatives, and/or agents, including Perpetrator-Defendant. Moreover, Clergy Defendant(s) failed to take reasonable steps or to implement reasonable safeguards to avoid acts of childhood sexual assaults by Clergy Defendant(s)'s employees, volunteers, representatives, and/or agents, including Perpetrator-Defendant.

18. Cal. Code of Civ. Proc. § 340.1(q) (Revival Statute). California Code of Civil Procedure §340.1, subsection (q) states: "Notwithstanding any other provision of law, any claim for damages described in paragraphs (1) through (3), inclusive, of subdivision (a) that has not been litigated to finality and that would otherwise be barred as of January 1, 2020, because the applicable statute of limitations, claims presentation deadline, or any other time limit had

expired, is revived, and these claims may be commenced within three years of January 1, 2020. A plaintiff shall have the later of the three-year time period under this subdivision or the time period under subdivision (a) as amended by the act that added this subdivision." Subsection (r) further states: "The changes made to the time period under subdivision (a) as amended by the act that amended this subdivision in 2019 apply to and revive any action commenced on or after the date of enactment of that act, and to any action filed before the date of enactment, and still pending on that date, including any action or causes of action that would have been barred by the laws in effect before the date of enactment." Accordingly, to the extent Defendants claim that Plaintiff had, at the time of filing, either exceeded the age of 40, discovered or should have discovered the causal link between the childhood sexual assaults and psychological injuries and illnesses, or failed to comply or cannot satisfy the additional requirements set forth in the preceding subsections to section 340.1, Plaintiff's causes of action based on the childhood sexual assaults described herein has been revived and timely filed prior to January 1, 2023.

PUNITIVE DAMAGES SOUGHT AGAINST RELIGIOUS ENTITY DEFENDANTS AND RESERVATION OF RIGHTS

19. **Clergy Defendant(s)** and **Defendant DOES 1 through 50** are, based on information and belief, religious corporations, organized under the laws of California, and therefore, are afforded the protection of Code of Civil Procedure §425.14. Upon such time as appropriate, the Plaintiff expressly reserves the right to file a Motion to Amend the instant Complaint, in order to allege facts sufficient to constitute punitive damages against Clergy Defendant(s), in accord with evidence that substantiates a finding of the clear and convincing evidentiary requirement of Civil Code §3294.

I.

FIRST CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against Perpetrator-Defendant, School-Defendant, Diocese-Defendant, Religious-Order Defendant, and DOES 1 through 50)

20. Plaintiff realleges and incorporates by this reference the allegations contained in the

previous paragraphs of this Complaint, as though fully set forth herein and, to the extent necessary, plead this cause of action in the alternative.

21. Intentional Extreme & Outrageous Conduct. Defendants engaged in extreme and outrageous conduct with the intention of causing, or a reckless disregard for the probability of causing, and were a substantial factor in causing Plaintiff's severe emotional distress as follows.

a. While acting within the course and scope of their authority, agency, and employment with the School-Defendant and Diocese-Defendant, Perpetrator-Defendant, under the guise of coaching young athletes, took advantage of a child student-athlete, sexually touched and molested Plaintiff for the purpose of sexual gratification.

b. School-Defendant and Diocese-Defendant aided and abetted Perpetrator-Defendant's harmful and offensive touching of Plaintiff's body. They hired and retained Perpetrator-Defendant. They knowingly, intentionally, deliberately, willfully, and/or recklessly disregarded the unconsented sexual contact by Perpetrator-Defendant. In so doing, they fostered and facilitated the environment and impunity they needed to sexually harm Plaintiff.

c. Defendants conspired to sexually assault Plaintiff. They explicitly and/or implicitly agreed to deceive or conceal harmful and offensive contact between Perpetrator-Defendant and otherwise create the hostile environment necessary for Perpetrator-Defendant to sexually harm Plaintiff.

22. Plaintiff's Injuries & Resultant Damages. As a result of Defendants' misconduct as described herein, Plaintiff suffered bodily, mental, emotional, and behavioral injuries, including, but not limited to, deep-seeded shame, humiliation, embarrassment, inability to comprehend his sexuality, anxiety, increased fear, self-loathing, increased irritability, depression, anxiety, sadness, anger, uncontrollable fear and foreboding, self-blaming, diminished self-worth, nightmares, traumatic flashbacks, shock, grief, embarrassment, disgrace, emotional distress, and/or other injuries and related general damages and economic losses, including, but not limited to, past and future psychological treatment, therapy, counseling, and health care, past and future loss of income and loss of earning capacity.

23. Defendants' Punitive Liability. Defendants engaged in the conduct described herein

with malice, oppression, and fraud. Defendants intended to cause injury to Plaintiff or otherwise engaged in the described despicable conduct with a willful and conscious disregard for the rights or safety of Plaintiff. Defendants engaged in despicable conduct that subjected Plaintiff to cruel and unjust hardship in disregard of his rights. Defendants intentionally misrepresented, deceived, and/or concealed the true nature of Perpetrator-Defendant's sexual violence with the intention of depriving these Plaintiff of his property and/or his legal right to be free from violence, and/or otherwise causing him injury. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

24. Corporate Defendants' Punitive Liability. Not only were School-Defendant, Diocese Defendant and Religious-Order Defendant guilty of malice, oppression, and fraud as described herein, but also their officers, directors, and/or managing agents authorized and/or ratified Perpetrator-Defendant's misconduct described herein. Based on information and belief, they knew in advance that Perpetrator-Defendant was likely to commit such acts and employed them, and otherwise authorized them, to continue violating Plaintiff on School grounds and on baseball team trips, with conscious disregard for the rights and safety of Plaintiff.

25. As to School-Defendant, Diocese-Defendant, Religious-Order Defendant, and DOES 1 through 50, Plaintiff reserves the right to file a Motion to Amend the complaint, pursuant to Code of Civil Procedure §425.14.

II.

SECOND CAUSE OF ACTION

NEGLIGENCE

(Against Perpetrator-Defendant, School-Defendant, Diocese-Defendant, Religious-Order Defendant, and DOES 1 through 50)

26. Plaintiff realleges and incorporates by this reference the allegations contained in the previous paragraphs of this Complaint, as though fully set forth herein and, to the extent necessary, plead this cause of action in the alternative.

27. Duty. Defendants owed Plaintiff a duty to exercise reasonable care to avoid injuring

Plaintiff and to prevent Perpetrator-Defendant from sexually violating Plaintiff.

a. NIED—Special Relationship. Defendants had a confidential and fiduciary relationship with Plaintiff. Plaintiff was a minor. Defendants were Plaintiff's coaches, educators, teachers, and guides. Defendants endorsed Perpetrator-Defendant as a trusted and respected coach and teacher in whom Plaintiff should have complete trust and confidence as a steward in all aspects of life—including the sanctity of one's body and what does and does not constitute appropriate sexual intimacy and touching. Accordingly, Defendants owed Plaintiff a fiduciary obligation to take reasonable steps to prevent injury to Plaintiff's mental and emotional well-being.

b. Non-Delegable Duty (Land). Defendants owed Plaintiff a non-delegable duty to exercise reasonable care to maintain the School-Defendant and Diocese-Defendant's premises in a reasonably safe condition.

c. Non-Delegable Duty (Mandatory Reports). Defendants owed Plaintiff a non-delegable statutory duty to document and report child abuse or neglect to law enforcement and/or the appropriately designated municipal authorities.

d. Non-Delegable Duty (Sexual Violence/Harassment/Discrimination). Defendants owed Plaintiff a non-delegable statutory duty to operate the School-Defendant and Diocese Defendant's premises free from discrimination, gender violence, and sexual harassment.

28. Breach. Defendants negligently, recklessly, willfully, intentionally, wantonly, and deliberately failed to exercise reasonable care to avoid injuring Plaintiff and preventing Perpetrator-Defendant from sexually violating and harassing Plaintiff.

a. Sexual Misconduct. Perpetrator-Defendant knowingly, intentionally, willfully, deliberately, recklessly, and/or negligently failed to exercise reasonable care to avoid the inappropriate sexual contact with Plaintiff alleged herein.

b. Failure to Protect/Supervise Children. School-Defendant and Diocese-Defendant, intentionally, willfully, deliberately, recklessly, and/or negligently failed to take adequate precautions and failed to adequately supervise children to protect Plaintiff from Perpetrator-Defendant's sexual assaults, abusive conduct and harassment alleged herein.

c. Premises Liability. School-Defendant and Diocese-Defendant failed to exercise reasonable care to maintain their premises in a reasonably safe condition in order to prevent the sexual misconduct alleged herein, including, but not necessarily limited to, monitoring the premises for sexual misconduct, identifying pedophiles and sexual predators that access the premises, and denying pedophiles and sexual predators access to the premises.

d. Failure to Institute Policies, Procedures & Practices to Prevent. School Defendant and Diocese-Defendant knowingly, intentionally, willfully, deliberately, recklessly, and/or negligently failed to design, implement, and monitor policies, procedures, and practices to prevent sexual violence, including but not limited to, receiving complaints, investigating, reporting, disclosing, and documenting sexual misconduct such as the misconduct alleged herein.

e. Failure to/Interference w/ Mandated Reports/Documentation. School -Defendant and Diocese-Defendant knowingly, intentionally, willfully, deliberately, recklessly, and/or negligently failed to comply with their statutorily mandated duties to report and document the child abuse and neglect alleged herein. Diocese-Defendant and Archdiocese-Defendant knowingly, intentionally, willfully, deliberately, recklessly, and/or negligently interfered with mandatory reports' statutorily mandated duties to report and document the child abuse and neglect alleged herein.

f. Negligence Per Se. School-Defendant and Diocese-Defendant were negligent per se for violating mandatory reporting statutes designed to protect children from sexual abuse such as that suffered by Plaintiff.

29. Causation. Defendants' failure to exercise reasonable care, as described herein, was a substantial factor in causing and/or contributing to the sexual violence and harassment suffered by Plaintiff.

30. Plaintiff's Injuries & Resultant Damages. As a result of Defendants' misconduct as described herein, Plaintiff suffered bodily, mental, emotional, and behavioral injuries, including, but not limited to, deep-seeded shame, humiliation, embarrassment, inability to comprehend his sexuality, anxiety, increased fear, self-loathing, increased irritability, depression, anxiety, sadness, anger, uncontrollable fear and foreboding, self-blaming, diminished self-worth,

nightmares, traumatic flashbacks, shock, grief, embarrassment, disgrace, emotional distress, and/or other injuries and related general damages and economic losses, including, but not limited to, past and future psychological treatment, therapy, counseling, past and future healthcare, past and future loss of income and earning capacity.

31. Defendants' Punitive Liability. Defendants engaged in the conduct described herein with malice, oppression, and fraud. Defendants intended to cause injury to Plaintiff or otherwise engaged in the described despicable conduct with a willful and conscious disregard for the rights or safety of Plaintiff. Defendants engaged in despicable conduct that subjected Plaintiff to cruel and unjust hardship in disregard of his rights. Defendants intentionally misrepresented, deceived, and/or concealed the true nature of Perpetrator-Defendant's sexual violence with the intention of depriving Plaintiff of his property and/or legal right to be free from sexual violence. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

32. Corporate Defendants' Punitive Liability. Not only were School-Defendant and Diocese-Defendant guilty of malice, oppression, and fraud as described herein, but also their officers, directors, and/or managing agents authorized and/or ratified Perpetrator-Defendant's misconduct described herein. Based on information and belief, they knew in advance that Perpetrator-Defendant was likely to commit such acts and employed Perpetrator-Defendant, and otherwise authorized Perpetrator-Defendant, to continue violating children at their School and/or belonging to their School, with conscious disregard for the rights and safety these children. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

III.

THIRD CAUSE OF ACTION

NEGLIGENT HIRING, SUPERVISION, & RETENTION

(Against School-Defendant, Diocese-Defendant, Religious-Order Defendant, and DOES 1 through 50)

33. Plaintiff realleges and incorporates by this reference the allegations contained in the

previous paragraphs of this Complaint, as though fully set forth herein and, to the extent necessary, plead this cause of action in the alternative.

34. Duty. Defendants owed Plaintiff a duty to exercise reasonable care in hiring, supervising, and retaining Perpetrator-Defendant to avoid injuring Plaintiff and to prevent Perpetrator-Defendant from sexually violating Plaintiff.

a. NIED—Special Relationship. Defendants had a confidential and fiduciary relationship with Plaintiff. Plaintiff was a minor. Defendants were Plaintiff's coaches, educators, teachers, and guides. Defendants endorsed Perpetrator-Defendant as trusted and respected coach in whom Plaintiff should have complete trust and confidence as a steward in all aspects of life—including the sanctity of one's body and what does and does not constitute appropriate sexual intimacy and touching. Accordingly, Defendants owed Plaintiff a fiduciary obligation to take reasonable steps in hiring, supervising, and retaining Perpetrator-Defendant to prevent injury to Plaintiff's mental and emotional well-being.

b. Non-Delegable Duty (Land). Defendants owed Plaintiff a non-delegable duty to exercise reasonable care in hiring, supervising and retaining Perpetrator-Defendant to maintain the School-Defendant and Diocese-Defendant's premises in a reasonably safe condition.

c. Non-Delegable Duty (Sexual Violence/Harassment/Discrimination). Defendants owed Plaintiff a non-delegable statutory duty to operate the School-Defendant and Diocese-Defendant's premises free from discrimination, gender violence, and sexual harassment.

35. Breach. Defendants negligently, recklessly, willfully, intentionally, wantonly, and deliberately failed to exercise reasonable care by failing to supervise or monitor Perpetrator-Defendant to avoid injuring Plaintiff and preventing Perpetrator-Defendant from sexually violating and harassing Plaintiff.

a. Sexual Misconduct. Perpetrator-Defendant knowingly, intentionally, willfully, deliberately, recklessly, and/or negligently failed to exercise reasonable care to avoid the inappropriate sexual contact with Plaintiff alleged herein.

b. Failure to Protect Children/Supervise Perpetrator-Defendant. School-Defendant and Diocese-Defendant knowingly, intentionally, willfully, deliberately, recklessly,

and/or negligently failed to take adequate precautions and failed to exercise reasonable care by failing to supervise or monitor Perpetrator-Defendant to protect Plaintiff from Perpetrator-Defendant's sexual assault and abusive conduct and harassment alleged herein.

c. Failure to Institute Policies, Procedures & Practices to Prevent. School-Defendant and Diocese-Defendant knowingly, intentionally, willfully, deliberately, recklessly, and/or negligently failed to design, implement, and monitor policies, procedures, and practices for hiring, supervision and retention to prevent sexual violence, including but not limited to, receiving complaints, investigating, reporting, disclosing, and documenting sexual misconduct such as the misconduct alleged herein.

d. Failure to Hire, Supervise, Train, Retain & Terminate. School-Defendant and Diocese-Defendant, intentionally, willfully, deliberately, recklessly, and/or negligently hired, supervised, trained, retained, and failed to terminate agents and/or employees to protect Plaintiff from the child abuse and sexual assaults, including, but not necessarily limited to, Perpetrator-Defendant and the Unfit & Incompetent Agents/Employees identified below.

e. Unfit & Incompetent Agents/Employees. School-Defendant and Diocese-Defendant knowingly, intentionally, willfully, deliberately, recklessly, and/or negligently hired, supervised, trained, retained, and/or failed to terminate agents and/or employees who were unfit and/or incompetent to perform the work that they were hired to perform—this includes, but is not necessarily limited to: (1) Perpetrator-Defendant; (2) those persons responsible for taking precautions and supervising children in order to protect them from sexual misconduct; (3) those persons responsible for monitoring the premises for sexual misconduct, identifying pedophiles and sexual predators that access the premises, and denying pedophiles and sexual predators access to the premises; (4) those persons responsible for designing, implementing, and monitoring compliance with policies, procedures, and practices to identify and prevent child abuse and neglect; (5) those persons responsible for complying with statutory duties to report and document child abuse and neglect; (6) those persons who interfered with statutorily mandated reporting and documenting; and (7) those persons responsible for hiring, supervising, training, retaining, and terminating the foregoing agents and/or employees. Diocese-Defendant and

Religious-Order Defendant had notice of the unfitness and incompetence of the foregoing agents and/or employees.

36. Causation. Defendants' failure to exercise reasonable care in hiring, supervising, and retaining Perpetrator-Defendant, as described herein, was a substantial factor in causing and/or contributing to the sexual violence and harassment suffered by Plaintiff.

37. Plaintiff's Injuries & Resultant Damages. As a result of Defendants' misconduct as described herein, Plaintiff suffered bodily, mental, emotional, and behavioral injuries, including, but not limited to, deep-seeded shame, humiliation, embarrassment, inability to comprehend his sexuality, anxiety, increased fear, self-loathing, increased irritability, depression, anxiety, sadness, anger, uncontrollable fear and foreboding, self-blaming, diminished self-worth, nightmares, traumatic flashbacks, shock, grief, embarrassment, disgrace, emotional distress, and/or other injuries and related general damages and economic losses, including, but not limited to, past and future psychological treatment, therapy, counseling, healthcare, and past and future loss of income and earning capacity.

38. Defendants' Punitive Liability. Defendants engaged in the conduct described herein with malice, oppression, and fraud. Defendants intended to cause injury to Plaintiff or otherwise engaged in the described despicable conduct with a willful and conscious disregard for the rights or safety of Plaintiff. Defendants engaged in despicable conduct that subjected Plaintiff to cruel and unjust hardship in disregard of his rights. Defendants intentionally misrepresented, deceived, and/or concealed the true nature of Perpetrator-Defendant's sexual violence with the intention of depriving Plaintiff of his property and/or legal right to be free from sexual violence. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

39. Corporate Defendants' Punitive Liability. Not only were School-Defendant and Diocese-Defendant and guilty of malice, oppression, and fraud as described herein, but also their officers, directors, and/or managing agents authorized and/or ratified Perpetrator-Defendant's misconduct described herein. Based on information and belief, they knew in advance that Perpetrator-Defendant was likely to commit such acts and employed and retained Perpetrator-

Defendant, and otherwise authorized Perpetrator-Defendant, to continue violating children at their School and/or belonging to their School, with conscious disregard for the rights and safety these children. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

IV.

FOURTH CAUSE OF ACTION

SEXUAL HARASSMENT

(Cal. Civ. Code §51.9)

(Against Perpetrator-Defendant, School-Defendant, Diocese-Defendant, Religious-Order Defendant, and DOES 1 through 50)

40. Plaintiff realleges and incorporates by this reference the allegations contained in the previous paragraphs of this Complaint, as though fully set forth herein and, to the extent necessary, plead this cause of action in the alternative.

41. Prohibited Sexual Harassment. California Civil Code section 51.9 provides a plaintiff with a private cause of action for sexual harassment against a defendant when: (1) the plaintiff and defendant have a business, service, or professional relationship or the defendant holds himself or herself out as being able to help plaintiff establish a business, service, or professional relationship with either defendant or a third person; (2) the defendant makes sexual advances, solicitations, sexual requests, demands for sexual compliance, or engaged in other verbal, visual, or physical conduct of a sexual or hostile nature based on gender; (3) said harassment was unwelcome and either pervasive or severe; and (4) as a result of said harassment, the plaintiff has or will suffer either economic loss or disadvantage, personal injury, emotional distress, or a violation of his or her statutory or constitutional right.

42. Defendants & Plaintiff's Relationship. Plaintiff was a student of Perpetrator-Defendant who was a teacher and a coach at the School, owned and operated by Diocese-Defendant and Religious-Order Defendant. (See, Civ. Code, § 51.9, subdiv. (a)(1), sub-subdivs. (E) and (I).)

43. Defendants' Sexual Harassment. Defendants sexually harassed Plaintiff in an unwelcome, pervasive, and severe manner as follows.

a. Perpetrator-Defendant sexually touched, sexually assaulted, molested, sodomized, and otherwise sexually violated Plaintiff. Perpetrator-Defendant instructed others to sexually touch, molest, and assault Plaintiff.

b. School-Defendant and Diocese-Defendant aided, abetted, and facilitated Perpetrator-Defendant's sexual violence. They hired, supervised and retained Perpetrator-Defendant. They knowingly, intentionally, deliberately, willfully, and/or recklessly disregarded years of assault by Perpetrator-Defendant against Plaintiff to foster and facilitate the pervasive and hostile environment.

c. Defendants conspired to sexually violate Plaintiff. They explicitly and/or implicitly agreed to perpetrate sexual violence and create the hostile environment necessary for Perpetrator-Defendant to sexually violate Plaintiff for years.

44. Plaintiff's Injuries & Resultant Damages. As a result of Defendants' misconduct as described herein, Plaintiff suffered bodily, mental, emotional, and behavioral injuries, including, but not limited to, deep-seeded shame, humiliation, embarrassment, inability to comprehend his sexuality, anxiety, increased fear, self-loathing his entire life, increased irritability, depression, anxiety, sadness, anger, uncontrollable fear and foreboding, self-blaming, diminished self-worth, nightmares, traumatic flashbacks, shock, grief, embarrassment, disgrace, emotional distress, and/or other injuries and related general damages and economic losses, including, but not limited to, past and future psychological treatment, therapy, counseling, healthcare, past and future loss of income and earning capacity.

45. Defendants' Punitive Liability. Defendants engaged in the conduct described herein with malice, oppression, and fraud. Defendants intended to cause injury to Plaintiff or otherwise engaged in the described despicable conduct with a willful and conscious disregard for the rights or safety of Plaintiff. Defendants engaged in despicable conduct that subjected Plaintiff to cruel and unjust hardship in disregard of his rights. Defendants intentionally misrepresented, deceived, and/or concealed the true nature of Perpetrator Defendants' violence with the intention of

depriving Plaintiff of his property and/or his legal right to be free from violence, and/or otherwise causing him injury. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

46. Corporate Defendants' Punitive Liability. Not only were School-Defendant, Diocese Defendant and Religious-Order Defendant guilty of malice, oppression, and fraud as described herein, but also their officers, directors, and/or managing agents authorized and/or ratified Perpetrator-Defendant's misconduct described herein. Based on information and belief, they knew in advance that Perpetrator-Defendant was likely to commit such acts and employed them, and otherwise authorized them, to continue violating Plaintiff on School grounds, with conscious disregard for the rights and safety of Plaintiff. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

47. Sexual Harassment Damages.

a. As to School-Defendant, Diocese-Defendant, Religious-Order Defendant, and DOES 1 through 50, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14;

b. Plaintiff seeks attorney's fees pursuant to Civil Code §52, with respect to Plaintiff's claim being made under §51.9, as an available remedy; and,

c. Pursuant to §§51.9 and 52 of the California Civil Code, Plaintiff seek actual damages (special and general damages), treble actual damages, attorneys' fees and costs, injunctive relief, and civil penalties ($25,000 each).

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V.

FIFTH CAUSE OF ACTION

SEXUAL BATTERY

(Cal. Civ. Code §1708.5)

(Against Perpetrator-Defendant, School-Defendant, Diocese-Defendant, Religious-Order Defendant, and DOES 1 through 50)

48. Plaintiff realleges and incorporates by this reference the allegations contained in the previous paragraphs of this Complaint, as though fully set forth herein and, to the extent necessary, plead this cause of action in the alternative.

49. Sexual Battery. Defendants intentionally did an act that resulted in a nonconsensual harmful and sexually offensive contact with Plaintiff's person as follows.

a. While acting within the course and scope of their authority, agency, and employment with the School-Defendant and Diocese-Defendant, Perpetrator-Defendant, under the guise of coaching young student-athletes, took advantage of, and touched Plaintiff's body for the purpose of sexual gratification.

b. School-Defendant and Diocese-Defendant aided and abetted Perpetrator-Defendant's harmful and offensive touching of Plaintiff's body. They hired and retained Perpetrator-Defendant. They knowingly, intentionally, deliberately, willfully, and/or recklessly disregarded the unconsented sexual contact by Perpetrator-Defendant. In so doing, they fostered and facilitated the environment and impunity they needed to batter Plaintiff.

c. Defendants conspired to sexually assault Plaintiff. They explicitly and/or implicitly agreed to deceive or conceal harmful and offensive contact between Perpetrator-Defendant and otherwise created the hostile environment necessary for Perpetrator-Defendant to sexually batter Plaintiff.

50. Plaintiff's Injuries & Resultant Damages. As a result of Defendants' misconduct as described herein, Plaintiff suffered bodily, mental, emotional, and behavioral injuries, including, but not limited to, deep-seeded shame, humiliation, embarrassment, inability to comprehend his sexuality, anxiety, increased fear, self-loathing, increased irritability, depression, anxiety,

sadness, anger, uncontrollable fear and foreboding, self-blaming, diminished self-worth, nightmares, traumatic flashbacks, shock, grief, embarrassment, disgrace, emotional distress, and/or other injuries and related general damages and economic losses, including, but not limited to, past and future psychological treatment, therapy, counseling, healthcare, and past and future loss of income and earning capacity.

51. Defendants' Punitive Liability. Defendants engaged in the conduct described herein with malice, oppression, and fraud. Defendants intended to cause injury to Plaintiff or otherwise engaged in the described despicable conduct with a willful and conscious disregard for the rights or safety of countless vulnerable young students. Defendants engaged in despicable conduct that subjected young Plaintiff to cruel and unjust hardship in disregard of their rights. Defendant intentionally misrepresented, deceived, and/or concealed the true nature of Perpetrator-Defendant's sexual violence with the intention of depriving Plaintiff of his property and/or his legal right to be free from violence, and/or otherwise causing him injury. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

52. Corporate Defendants' Punitive Liability. Not only were School-Defendant and Diocese-Defendant guilty of malice, oppression, and fraud as described herein, but also their officers, directors, and/or managing agents authorized and/or ratified Perpetrator-Defendant's misconduct described herein. Based on information and belief, they knew in advance that Perpetrator-Defendant was likely to commit such acts and employed them, and otherwise authorized them, to continue violating student-athletes such as Plaintiff on School grounds, with conscious disregard for the rights and safety of Plaintiff. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

53. In subjecting the Plaintiff to the wrongful treatment herein described, DOE 1, acted willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute malice and oppression under California Civil Code §3294. Plaintiff is therefore entitled to the recovery of punitive damages, in an amount to be determined

by the court, against DOE 1, in a sum to be shown according to proof.

VI.

SIXTH CAUSE OF ACTION

SEXUAL ASSAULT

(Cal. Civ. Code, §§ 43 & 1708)

(Against Perpetrator-Defendant, School-Defendant, Diocese-Defendant, Religious-Order Defendant, and DOES 1 through 50)

54. Plaintiff realleges and incorporates by this reference the allegations contained in the previous paragraphs of this Complaint, as though fully set forth herein and, to the extent necessary, plead this cause of action in the alternative.

55. Sexual Assault. Defendants intentionally did an act that resulted in a nonconsensual harmful or offensive contact with Plaintiff's person or intended to put Plaintiff in imminent apprehension of such contact.

a. While acting within the course and scope of their authority, agency, and employment with the School-Defendant and Diocese-Defendant, Perpetrator-Defendant, under the guise of coaching and teaching young students, took advantage of, and touched Plaintiff's body for the purpose of sexual gratification.

b. School-Defendant and Diocese-Defendant aided and abetted Perpetrator-Defendant's harmful and offensive touching of Plaintiff's body. They hired and retained Perpetrator- Defendant. They knowingly, intentionally, deliberately, willfully, and/or recklessly disregarded the unconsented sexual contact by Perpetrator-Defendant. In so doing, they fostered and facilitated the environment and impunity they needed to harm Plaintiff.

c. Defendants conspired to sexually assault Plaintiff. They explicitly and/or implicitly agreed to deceive or conceal harmful and offensive contact between Perpetrator-Defendant and otherwise create the hostile environment necessary for Perpetrator-Defendant to sexually harm Plaintiff.

56. Plaintiff's Injuries & Resultant Damages. As a result of Defendants' misconduct as described herein, Plaintiff suffered bodily, mental, emotional, and behavioral injuries, including,

but not limited to, deep-seeded shame, humiliation, embarrassment, inability to comprehend his sexuality, anxiety, increased fear, self-loathing, increased irritability, depression, anxiety, sadness, anger, uncontrollable fear and foreboding, self-blaming, diminished self-worth, nightmares, traumatic flashbacks, shock, grief, embarrassment, disgrace, emotional distress, and/or other injuries and related general damages and economic losses, including, but not limited to, past and future psychological treatment, therapy, counseling, healthcare, and past and future loss of income and earning capacity.

57. Defendants' Punitive Liability. Defendants engaged in the conduct described herein with malice, oppression, and fraud. Defendants' intended to cause injury to Plaintiff or otherwise engaged in the described despicable conduct with a willful and conscious disregard for the rights or safety of countless vulnerable young boys. Defendants engaged in despicable conduct that subjected young Plaintiff to cruel and unjust hardship in disregard of his rights. Defendants intentionally misrepresented, deceived, and/or concealed the true nature of Perpetrator-Defendant's sexual violence with the intention of depriving Plaintiff of his property and/or his legal right to be free from violence, and/or otherwise causing him injury. As to Clergy-Defendants, Plaintiff reserves the right to file a Motion to Amend the complaint for this cause of action for Punitive Damages, pursuant to Code of Civil Procedure §425.14.

58. Plaintiff is informed and based thereon alleges that the conduct of DOE 1 was oppressive, malicious and despicable in that it was intentional and done in conscious disregard for the rights and safety of others, and were carried out with a conscious disregard of Plaintiff's right to be free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California Civil Code §3294, entitling Plaintiff to punitive damages against the DOE 1 in an amount appropriate to punish and set an example of DOE 1.

VII.

SEVENTH CAUSE OF ACTION

VIOLATION OF PENAL CODE §647.6(A).

(Defendant DOE 1)

59. Plaintiff realleges and incorporates by this reference the allegations contained in the

previous paragraphs of this Complaint, as though fully set forth herein and, to the extent necessary, plead this cause of action in the alternative.

60. Prohibited Conduct. California Penal Code § 647.6(a)(1) provides that "[e]very person who annoys or molests any child under 18 years of age shall be punished by a fine not exceeding five thousand dollars ($5,000), by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment."

a. Under California law, victims of childhood sexual abuse are entitled to bring Civil actions for violations of Penal Code provisions that prohibit adults from engaging in sexual acts with minors, including Penal Code §647.6(a)(1). *See Angie M. v. Superior Court (Hiemstra)*, (1995) 37 Cal.App.4th 1217, 1224-25.

61. DOE 1 sexually molested and annoyed the Plaintiff while Plaintiff was under (18) years of age, in violation of California Penal Code § 647.6(a)(1).

62. The above-noted actions of DOE 1 in annoying and molesting the minor Plaintiff were the proximate and legal causes of physical, psychological, emotional and economic damages which Plaintiff has suffered and continues to suffer to this day. It also has resulted in Plaintiff incurring, and will require Plaintiff to incur into the future, expenses for medical and psychological treatment, therapy and counseling.

63. The above-described conduct of DOE 1 was oppressive, malicious and despicable in that it was intentional and done in conscious disregard for the rights and safety of Plaintiff, and was carried out with a conscious disregard of Plaintiff's right to be free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California Civil Code §3294, entitling Plaintiff to punitive damages against DOE 1 in an amount appropriate to punish and set an example of DOE 1.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

a. For general damages in a just and reasonable amount in excess of the jurisdictional minimum of this court;

b. For actual damages according to proof

c. For special damages according to proof;

d. For punitive damages according to proof;

e. For statutory damages according to proof (which include, but are not limited to, statutory penalties and treble damages)

f. For pre and/or post-judgment interest, according to proof; and

g. For such other and further relief as is recoverable at law or in equity and/or the Court deems just and proper.

Dated: December 6, 2022

KABATECK LLP

Brian S. Kabateck, Esq.
Anastasia K. Mazzella, Esq
Marina R. Pacheco, Esq.
Gary C. Partamian, Esq.

DEMAND FOR JURY TRIAL

A trial by jury is hereby demanded by Plaintiff.

Dated: December 6, 2022

KABATECK LLP

Brian S. Kabateck, Esq.
Anastasia K. Mazzella, Esq
Marina R. Pacheco, Esq.
Gary C. Partamian, Esq.